prints were proved to be those of the respondent.

The learned president acquitted the accused at the close of the prosecution because the only evidence against the accused was his finger print and "the accused's finger-prints, among other unidentified ones on the window of the car, which was left standing in a place accessible to anyone, cannot be legally sufficient to infer his guilt."

With respect, I do not understand what is meant by "legally sufficient". At any rate, the weight of evidence of finger-prints can never be decried. The respondent's finger-print was found on the inside surface of the glass. The mark could not have been made there except after someone (if not himself) had unlawfully tampered with the locked car to gain entry. That finger-print could only have been made during the hours of darkness when the car was taken, or before its discovery next morning. The position of the mark alone makes it self-evident that it was not made by a casual passer-by.

There is no question that a clear *prima facie* case had been made out which if unrebutted warrants a conviction.

The appeal is allowed, and the order of acquittal set aside. The case is remitted back for the learned president to call on the defence.

*Appeal allowed.*

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## *RE* OOI CHAN ONN

[R.Cr.J. (Ong J.) November 7, 1964]

[K.L. — Criminal Revision No. 16 of 1964]

***Penal Code s. 511 — Attempted theft — Whether police supervision can be imposed — Criminal Procedure Code (Cap. 6), s. 295.***

**A person convicted of an attempted theft is convicted of the offence of an attempt, which must be clearly distinguished from the offence of actual completed theft.**

**Police supervision can only be imposed under section 295 of the Criminal Procedure Code when a person, having previously been convicted of an offence punishable with imprisonment for a term of two years or upwards is convicted of any other offence also punishable with imprisonment for a term of two years or upwards. As the offence in this case of attempted theft is punishable for a term not exceeding 18 months a conviction therefor does not justify an order for police supervision.**

***Case referred to:—***

**(1) *R.* v. *Nadaison* [1933] M.L.J. 41.**

CRIMINAL REVISION.

**Ong J.:** The accused was convicted of attempting to commit theft under section 511 of the Penal Code and sentenced to 9 months' imprisonment to be followed by police supervision for a period of 12 months. The learned magistrate has requested me to exercise my powers under Chapter XXXI with a view to revision of the order of police supervision imposed by him pursuant to section 295 of the Criminal Procedure Code on the ground that that section would not be applicable by reason of the proviso to section 511.

Police supervision can only be imposed under section 295 of the Criminal Procedure Code when a person, having previously been convicted of an offence punishable with imprisonment for a term of two years or upwards is convicted of any other offence also punishable with imprisonment for a term of two years or upwards. In my opinion, a person convicted of attempted theft is convicted of the offence of an attempt, which must be clearly distinguished from the offence of actual or completed theft.

The punishment for the offence of attempted theft is laid down in section 511 of the Penal Code, which provides that the offence of an attempt shall be punished with such punishment as is provided for the completed offence but that any term of imprisonment shall not exceed one-half of the longest term provided for the offence. This means that whatever the penalty provided for an offence, the attempt to commit such offence is similarly punishable, except that, as regards imprisonment, the term imposed shall not exceed half of the maximum term provided for the completed offence.

Accordingly in the present case I am of opinion that the offence of attempted theft is punishable for a term not exceeding eighteen months and a conviction therefor does not justify an order of police supervision.

The case of *R.* v. *Nadaison* [1] was a case of abetment but I consider that the same principle applies to attempts with reference to the validity of orders of police supervision following a conviction and that such a matter could be resolved having regard to the maximum sentence which the court could have imposed.

I, therefore, quash the order of police supervision.

*Order for police supervision quashed.*

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## SYED AHMAD AL-JUNIED & ORS. v. RESHTY

[O.C.J. (Choor Singh J.) November 7, 1964]

[Singapore — Suit No. 368 of 1961]

***Landlord and Tenant — Meaning of "Premises" — Statutory tenancy — Claim for mesne profits — Control of Rent Ordinance (Cap. 242), s. 15(1)(g) — Civil Law Ordinance (Cap. 24), s. 17(4).***

**In this case the plaintiffs claimed as trustees of the estate of Syed Ahmed bin Abdulrahman Alsagoff recovery of possession of a piece of land in Paya Lebar. The demised land comprised an area of 550 acres, on which**